

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Carol Macdonald,

NO. C 03-03538 JW

Plaintiff,

V.

Zurich Life Insurance Company Of America, et al.,

**ORDER VACATING HEARING ON  
DEFENDANTS' MOTION FOR  
RECONSIDERATION;  
SETTING HEARING ON MOTION FOR  
ENTRANCE OF JUDGMENT**

#### **Defendants.**

In light of the Notice of Acceptance with Offer of Judgment filed on September 22, 2005 (Docket No. 92), this Court vacates the hearing on Defendants' motion for reconsideration currently scheduled for October 24, 2005. The Court construes the current events as Plaintiff's request for the Court to enter judgment. Plaintiff's opening briefing on this issue shall be filed with the Court on or before October 21, 2005. Defendants' opposition shall be filed by November 4, 2005. Plaintiff's reply shall be filed by November 11, 2005. The Court will hear the parties' arguments on Plaintiff's request for the Court to enter judgment on November 28, 2005 at 9:00 a.m.

Dated: October 6, 2005

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/s/ James Ware

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**JAMES WARE**  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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10  
11 **Dated: October 6, 2005**

12 **Richard W. Wieking, Clerk**

13  
14 **By: /s/ JW Chambers \_\_\_\_\_**  
15  
16 **Ronald L. Davis**  
17  
18 **Courtroom Deputy**